

Office of the White House Press Secretary

THE WHITE HOUSE

NATIONAL SECURITY COUNCIL
DIRECTIVE GOVERNING THE CLASSIFICATION,
DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING
OF NATIONAL SECURITY INFORMATION

The President has directed that Executive Order 11652, "Classification and Declassification of National Security Information and Material," approved March 8, 1972 (37 F.R. 5209, March 10, 1972) be implemented in accordance with the following:

I - AUTHORITY TO CLASSIFY

A. Personal and Non-delegable. Classification authority may be exercised only by those officials who are designated by, or in writing pursuant to, Section 2 of Executive Order 11652 (hereinafter the "Order"). Such officials may classify information or material only at the level authorized or below. This authority vests only to the official designated under the Order, and may not be delegated.

B. Observance of Classification. Whenever information or material classified by an official designated under A above is incorporated in another document or other material by any person other than the classifier, the previously assigned security classification category shall be reflected thereon together with the identity of the classifier.

C. Identification of Classifier. The person at the highest level authorizing the classification must be identified on the face of the information or material classified, unless the identity of such person might disclose sensitive intelligence information. In the latter instance the Department shall establish some other record by which the classifier can readily be identified.

D. Record Requirement. Each Department listed in Section 2(A) of the Order shall maintain a listing by name of the officials who have been designated in writing to have Top Secret classification authority. Each Department listed in Section 2(A) and (B) of the

B. Meetings and Staff. The Interagency Committee shall meet regularly, but no less frequently than on a monthly basis, and take such actions as are deemed necessary to insure uniform compliance with the Order and this Directive. The Chairman is authorized to appoint an Executive Director, and to maintain a permanent administrative staff.

C. Interagency Committee's Functions. The Interagency Committee shall carry out the duties assigned it by Section 7(A) of the Order. It shall place particular emphasis on overseeing compliance with and implementation of the Order and programs established thereunder by each Department. It shall seek to develop means to (a) prevent overclassification, (b) ensure prompt declassification in accord with the provision of the Order, (c) facilitate access to declassified material and (d) eliminate unauthorized disclosure of classified information.

D. Classification Complaints. Under such procedures as the Interagency Committee may prescribe, it shall consider and take action on complaints from persons within or without the government with respect to the general administration of the Order including appeals from denials by Departmental Committees or the Archivist of declassification requests.

X - DEPARTMENTAL IMPLEMENTATION AND ENFORCEMENT

A. Action Programs. Those Departments listed in Section 2(A) and (B) of the Order shall insure that adequate personnel and funding are provided for the purpose of carrying out the Order and Directives thereunder.

B. Departmental Committee. All suggestions and complaints, including those regarding overclassification, failure to declassify, or delay in declassifying not otherwise resolved, shall be referred to the Departmental Committee for resolution. In addition, the Departmental Committee shall review all appeals of requests for records under Section 522 of Title 5 U.S.C. (Freedom of Information Act) when the proposed denial is based on their continued classification under the Order.

C. Regulations and Reports. Each Department shall submit its proposed implementing regulations of the Order and Directives thereunder to the Chairman of the Interagency Classification Review Committee for approval by the Committee. Upon approval such regulations shall be published in the Federal Register to the extent they affect the general public. Each Department shall also submit to the said Chairman for review and approval

c. When a plan or operation is discontinued or completed, and is not replaced by a similar plan or operation but the meaning cannot be declassified, the code word assigned thereto shall be cancelled and classified Confidential for a period of 2 years, or until the meaning is declassified, whichever is sooner, after which the code word will become Unclassified.

d. In every case, whenever a code word is referred to in documents, the security classification of the code word shall be placed in parentheses immediately following the code word, i.e., "Label (C)."

e. When the meaning of a code word no longer requires a classification, the using component shall declassify the meaning and the code word and return the code word to the available inventory.

6. Security practices.

a. The meaning of a code word may be used in a message or other document, together with the code word, only when it is essential to do so. Active code words may be used in correspondence or other documents forwarded to addressees who may or may not have knowledge of the meaning. If the context of a document contains detailed instructions or similar information which indicates the purpose or nature of the related meaning, the active code word shall not be used.

b. In handling correspondence pertaining to active code words, care shall be used to avoid bringing the code words and their meanings together. They should be handled in separate card files, catalogs, indexes, or lists, enveloped separately and dispatched at different times so that they do not travel through mail or courier channels together.

c. Code words shall not be used for addresses, return addresses, shipping designators, file indicators, call signs, identification signals, or for other similar purposes.

7. All code words formerly categorized as "inactive" or "obsolete" shall be placed in the current canceled category and classified Confidential. Unless otherwise restricted, all code words formerly categorized as "canceled" or "available" shall be individually declassified. All records associated with such code words may be disposed of in accordance with current practices, provided such records have been retained at least 2 years after the code words were placed in the former categories of "inactive," "obsolete," or "canceled."

[FR Doc.72-12016 Filed 8-2-72; 8:45 am]

Title 32—NATIONAL DEFENSE

Chapter XIX—Central Intelligence Agency

PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS

The Central Intelligence Agency adopts the following rules of procedure for public access to the records of the Central Intelligence Agency and requests for classification review of classified information and material. This regulation implements requirements of the Freedom of Information Act, Executive Order 11652, and the National Security Council Directive of May 17, 1972.

Therefore, pursuant to the authority of the National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U.S.C. 552), and Executive Order 11652, title 32 is amended by establishing a new

Chapter XIX and adding a new Part 1900, as set forth below.

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AUTHORITY: This Part 1900 is issued under the authority of the National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U.S.C. 552), and Executive Order 11652.

GENERAL

§ 1900.1 Purpose.

This part implements the requirements of the Freedom of Information Act and Executive Order 11652, and establishes the rules of procedure with respect to public access to the records of the Central Intelligence Agency and requests for classification review of classified information and material.

§ 1900.3 Organization and requests for information.

The headquarters of the Central Intelligence Agency is located in Fairfax County, Va. Functions are channeled and determined by regular chain-of-command procedures. Other than this part, there are no formal or informal procedural requirements regarding public access to Agency records. Requests for information and decisions and other submittals may be addressed to the Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505.

§ 1900.5 Requests for documents or classification review.

(a) Any person may request that any identifiable records or documents be made available.

(b) Any person may request a classification review of records or documents which are classified under Executive Order 11652, or any predecessor Executive order, and are more than ten (10) years old.

(c) Requests may be addressed to the Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505. Requests need not be made on any special form but may be by letter or other written communication setting forth the pertinent facts with sufficient

particularity that the requested document or record can be located or identified with a reasonable amount of effort.

§ 1900.7 Processing requests.

(a) The Assistant to the Director shall promptly acknowledge receipt, in writing, and refer the request to the Agency component having responsibility for the records or matter involved (the responsible component).

(b) The responsible component shall undertake to locate or identify the document. If the request does not describe the document with sufficient particularity to permit it to be located or identified with reasonable effort, the responsible component shall so inform the Assistant to the Director. The Assistant to the Director will advise the requester that unless additional identifying information is furnished the request cannot be processed further. The requester may then resubmit his request, furnishing additional identifying information. Any resubmitted request also shall be processed in accordance with this regulation. If the responsible component determines that the request is unduly burdensome, it shall so inform the Assistant to the Director who thereupon shall ask the requester to limit his request to records that are reasonably obtainable.

(c) Upon locating a requested document or upon identifying it sufficiently to permit the making of the appropriate determinations under this section and § 1900.11, the responsible component shall determine the date of origin of the document and whether the document is classified under Executive Order 11652 or any predecessor Executive order. If the component determines that the document is unclassified, the request shall be further processed as provided for in § 1900.21. Otherwise, it shall be processed as provided for in § 1900.11.

(d) If possible, action on each request referred to a responsible component under paragraph (a) of this section shall be completed within thirty (30) days of receipt of the request by the Assistant to the Director. If action cannot be completed within thirty (30) days, the component shall so inform the Assistant to the Director and shall explain the reasons for further delay. The Assistant to the Director shall so advise the requester. If the requester does not receive a decision on his request within sixty (60) days, he may apply to the Central Intelligence Agency Information Review Committee, established pursuant to section 7(B)(2) of Executive Order 11652. Any such application shall be processed as an appeal as provided for in § 1900.31.

REQUESTS INVOLVING CLASSIFIED DOCUMENTS

§ 1900.11 Action on requests involving classified documents.

(a) If the document is less than ten (10) years old, the component shall so inform the Assistant to the Director, who thereupon shall deny the request.

(b) If the document is between ten (10) and thirty (30) years old, the component shall review the classification and

continue, modify, or remove the classification based on the criteria set forth in section 5(B) of Executive Order 11652.

(1) If the component classifies the document, at the original level of classification, or at another level, it shall so advise the Assistant to the Director and, unless it is not possible to do so, set a date on which the document shall be declassified automatically. Also, if it is possible to furnish the requester with a brief statement as to why the document cannot be declassified, the component shall furnish such a statement to the Assistant to the Director. The Assistant to the Director thereupon shall deny the request and transmit to the requester the statement furnished him.

(2) If the component declassifies the document, the request shall be further processed as provided for in § 1900.21.

(c) If the document is at least thirty (30) years old, the component shall forward the request, together with its recommendation for continuing, modifying, or removing the classification, to the Director of Central Intelligence for his personal action under section 5(E) of Executive Order 11652. The Director may continue, modify, or remove the classification. If the Director classifies the document at the original level of classification, or at another level, he also shall specify the reasons for continued classification and the period of time in which the document shall continue to be classified. The Director's decision shall be made known to the requester.

REQUESTS NOT INVOLVING CLASSIFIED DOCUMENTS

§ 1900.21 Action on requests which do not involve classified documents.

When a responsible component determines that a request refers to a document which is unclassified § 1900.7(c)), or when the component declassifies a document under § 1900.11(b)(2), the component thereupon shall determine whether the document is exempt from public disclosure under any of clauses (2) through (9) of subsection 552(b), title 5, United States Code. If the component determines that the document is exempt under any of such clauses, it shall also determine, on the basis of applicable law, regulations and policy, whether the document nevertheless shall be made available to the requester.

(a) If the component determines that the document is exempt and should not be made available, it shall so advise the Assistant to the Director, who thereupon shall deny the request.

(b) If the component determines that the document is not exempt or that it is exempt but nevertheless should be made available, it shall so advise the Assistant to the Director, who shall furnish the requester with a copy of the document or give him access to it.

APPEALS

§ 1900.31 Appeal to CIA Information Review Committee.

(a) Notification of right to appeal. When the Assistant to the Director ad-

vises a requester that a request does not describe a document with sufficient particularity to permit it to be located with reasonable effort (§ 1900.7(b)), or when he denies a request pursuant to § 1900.11(b)(1) or § 1900.21(a), he shall also advise the requester that he may appeal that decision to the Central Intelligence Agency Information Review Committee, established pursuant to section 7(B)(2) of Executive Order 11652.

(b) Procedures. Any requester, by letter or other written communication, may appeal to the Central Intelligence Agency Information Review Committee any decision conveyed to him under §§ 1900.7(b), 1900.11(b)(1), or 1900.21(a), or apply to the Committee in accordance with § 1900.7(d). The communication should (1) indicate the decision being appealed or, in the case of § 1900.7(d) applications, the action sought, and (2) present any information or justification the requester may wish to submit. It should be addressed to that Committee, c/o the Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505. The Assistant to the Director shall forward the communication to the Committee for appropriate action under paragraph (c) of this section.

(c) Committee action on appeals. Within thirty (30) days the Committee shall consider any appeals forwarded to it under paragraph (b) of this section and take such action thereon as it may deem appropriate, based on the criteria set forth in section 5(B) of Executive Order 11652 and on other applicable provisions of that order and of applicable statutes and regulations. The Committee may affirm, overrule, or modify the appealed decision. The Assistant to the Director shall advise the requester of the decision of the Committee.

§ 1900.33 Appeal to Interagency Classification Review Committee.

Any request denied by the Director under § 1900.11(c) and any appeal denied by the CIA Information Review Committee under § 1900.31(c), other than a request originally denied under § 1900.21(a), may be appealed to the Interagency Classification Review Committee, established pursuant to section 7(A) of Executive Order 11652. Whenever the Assistant to the Director informs a requester that his request or appeal has been so denied, he also shall advise the requester of his right to appeal to the Interagency Classification Review Committee.

SUGGESTIONS AND COMPLAINTS

§ 1900.41 Suggestions and complaints.

Any person may direct any suggestion or complaint with respect to the Agency administration of the Executive order and the implementing regulations, including those regarding overclassification, failure to declassify, or delay in declassifying, to the CIA Information Review Committee. The Committee shall consider and resolve all such suggestions and complaints.

FEES

§ 1900.51 Fees.

In accordance with section 483a of title 31 of the United States Code, fair and equitable fees may be charged in connection with any Agency action or service in response to a request under this regulation. Fees shall be based on the cost to the Government to conduct the necessary research and on the other standards prescribed in section 483a. If a fee is to be charged, the requester shall be so informed by the Assistant to the Director and payment, or satisfactory assurances of payment, obtained from the requester before the action or service is undertaken. Payment shall be by check or postal money order made payable to the Treasurer of the United States.

Revocation. The CIA notice of July 21, 1967 (32 F.R. 140, July 21, 1967) is hereby revoked.

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER (8-3-72).

Approved on July 31, 1972.

Dated: July 31, 1972.

W. E. COLBY,
Executive Director,
Central Intelligence Agency.

[FR Doc.72-12018 Filed 8-2-72; 8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Declassification and Public Access NATIONAL SECURITY INFORMATION IN CUSTODY OF NATIONAL ARCHIVES AND RECORDS SERVICE

Title 41 of the Code of Federal Regulations is amended to inform the public and Federal agencies of the procedures to be followed by GSA in handling requests for mandatory review for declassification and public access of national security information in the custody of the National Archives and Records Service and to provide for necessary liaison between GSA and agencies that originate national security information.

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101-11—RECORDS MANAGEMENT

Part 101-11 is amended by the addition of new Subpart 101-11.3a as follows:

Subpart 101-11.3a—Declassification of and Public Access to National Security Information

Sec.	
101-11.320	General provisions.
101-11.321	Public requests for review of classified material.
101-11.322	Mandatory review procedures.
101-11.322-1	Records 10 through 30 years old.
101-11.322-2	Records more than 30 years old.